

96TH CONGRESS
1ST SESSION

H. R. 2625

To amend the Freedom of Information Act to improve the handling of classified information and investigatory records, to revise the deadlines for agency action, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 1979

Mr. DEVINE introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To amend the Freedom of Information Act to improve the handling of classified information and investigatory records, to revise the deadlines for agency action, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 CLASSIFIED INFORMATION AND INVESTIGATORY RECORDS

4 SECTION 1. Section 552(b) of title 5, United States
5 Code, is amended by adding at the end thereof the following
6 new sentences: "Notwithstanding paragraph (1), a court shall
7 have jurisdiction with respect to matters described in clause

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1 (A) of such paragraph to enjoin the agency from withholding
2 agency records and to order the production of any agency
3 records to the complainant unless it finds that there is a rea-
4 sonable basis to support the classification pursuant to such
5 Executive order. Such court may examine such records in
6 camera only if it is necessary, after consideration by the court
7 of all other attendant material, in order to determine whether
8 such classification is proper. Notwithstanding paragraph (7)
9 with respect to investigatory records, where the agency head,
10 after considering the results of a preliminary examination of
11 the files involved in the request, personally finds, in the light
12 of (i) the number of documents covered by the request, (ii) the
13 proportion of such documents which consist of reports by
14 Federal or State investigative agents or from confidential
15 sources, and (iii) the availability of personnel of the type
16 needed to make the required review and examination, that
17 the application of criteria set forth in such paragraph (7) on a
18 record-by-record basis would be impracticable, the agency
19 may apply such criteria to the investigatory file as a whole or
20 to any reasonably segregable portion thereof; except that this
21 sentence shall not be applied to files which the agency has
22 reason to believe contain records which are not investigatory
23 records compiled for law enforcement purposes, nor shall this
24 sentence protect from disclosure any records which, as a

1 result of the preliminary examination or for any other reason,
2 do not require further significant review or examination.”.

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4 TIME LIMITS AND COSTS

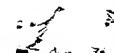
5 SEC. 2. (a) Section 552(a)(6) of title 5, United States
6 Code, is amended—

7 (1) by striking out “ten days” in subparagraph
8 (A)(i) and inserting in lieu thereof “thirty days”;

9 (2) by striking out “extension for more than ten
10 working days” in subparagraph (B) and inserting in
11 lieu thereof “extension with respect to a single request
12 for more than fifteen working days”; and

13 (3) by redesignating subparagraph (C) as subpara-
14 graph (D) and by inserting after subparagraph (B) the
15 following new subparagraph:

16 “(C) If the agency finds at any time before the filing of a
17 complaint under paragraph (4)(B) that the periods set forth in
18 subparagraph (A) of this paragraph and any extension under
19 subparagraph (B) of this paragraph are insufficient, it may
20 petition the United States District Court for the District of
21 Columbia for such further extension or extensions as may be
22 needed, setting forth with particularity the reasons therefor
23 and providing appropriate notification to the person making
24 the request with respect to which such extension or exten-
25 sions are sought. The court shall grant such further extension
or extensions as are appropriate if it is persuaded that the



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1 agency has proceeded with due diligence in responding to the
2 request and requires additional time in order to make its de-
3 terminations properly.”.

4 (b) Section 552(a)(4)(A) of title 5, United States Code, is
5 amended by inserting immediately before the period at the
6 end of the second sentence thereof the following: “, except
7 that the reasonable cost of reviewing and examining records
8 may be charged where such cost is in excess of \$100 for any
9 request or related series of requests”.

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